

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BAERBEL MCKINNEY-DROBNIS, JOSEPH
B. PICCOLA, and CAMILLE BERLESE,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

MASSAGE ENVY FRANCHISING, LLC,

Defendant.

Misc. Case No. 17mc227

Case Pending in the U.S.D.C.
Northern District of California
Case No. 3:16-cv-6450

**NON-PARTY EZRA S. FIELD'S NOTICE OF MOTION FOR A PROTECTIVE
ORDER OR, IN THE ALTERNATIVE, TO QUASH DEPOSITION SUBPOENA**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Ezra S. Field, the Declaration of Cynthia Ricketts, the Declaration of J. Emmett Murphy, and the supporting exhibits, non-party Ezra S. Field, through counsel, hereby moves this Court, in Part I at the Courthouse at 40 Foley Square, New York, New York, on the 18th day of July, 2017 at 11:00 a.m. or as soon thereafter as counsel may be heard, for a protective order precluding Plaintiffs from subpoenaing him for a deposition or, alternatively, to quash the deposition subpoena Plaintiffs issued to him. Pursuant to Federal Rules of Civil Procedure 26(c)(3) and 45(d)(1), Mr. Field further requests that the Court award him the attorneys' fees and costs incurred in bringing this Motion.

Respectfully submitted, this 30th day of June, 2017.

/s/ J. Emmett Murphy

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Civil Procedure 26(c)(1), movant certifies that he has in good faith conferred with Plaintiffs in an effort to resolve this dispute absent judicial intervention. Movant and Plaintiffs, however, were unable to resolve this dispute without judicial intervention.

s/ J. Emmett Murphy
J. Emmett Murphy

Counsel for Non-Party Ezra S. Field